

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JOSE LUIS OLIVARES,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 07CV2234 BTM

ORDER TRANSFERRING PETITION
FOR WRIT OF HABEAS CORPUS
AND MOTION TO DISMISS ORDER
TO SHOW CAUSE

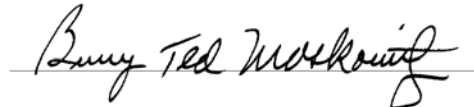
On November 26, 2007, Petitioner filed the instant Petition for Writ of Habeas Corpus and Motion to Dismiss Order to Show Cause in case number 07MJ2274. Petitioner was arrested by border patrol agents on December 9, 2005. At the time of his arrest, his fingerprint records demonstrated that he was serving a three-year term of supervised release imposed by Judge King from the District of Oregon. On February 16, 2006, the District Court of Oregon issued an Order to Show Cause and arrest warrant for Petitioner. On September 20, 2007, Petitioner appeared before the Magistrate Judge Adler in the Southern District of California on the Order to Show Cause and a date was set for an Identity/Removal hearing. On December 4, 2007, the Identity/Removal hearing was held before Judge Adler who found that Petitioner was the person named in the warrant from the District of Oregon. Petitioner's counsel has informed the Court that Petitioner has since been moved to the District of Oregon. According to Petitioner's counsel, Judge King found Petitioner to have violated his

1 supervised release and sentenced him to seven months in custody.

2 Through his Petition, Petitioner requested that the Court dismiss the Order to Show
3 Cause on the grounds that the revocation proceedings against him are, *inter alia*, barred by
4 res judicata, double-jeopardy and based on hearsay. However, the District of Oregon has
5 already assumed jurisdiction of the Order to Show Cause proceedings and held a revocation
6 hearing. The Court therefore transfers this Petition and Motion to Dismiss to the District of
7 Oregon. The Clerk of the Court is directed to transfer this matter to the District of Oregon.

8 IT IS SO ORDERED.

9 DATED: February 6, 2008

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11 Honorable Barry Ted Moskowitz
12 United States District Judge
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